



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,415	07/06/2001	Grover M. Blackwell	2111.001	4993

7590

11/04/2003

B. Craig Killough
Barnwell Whaley Patterson & Helms, LLC
Suite 300
134 Meeting Street
Charleston, SC 29401

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/900,415

Applicant(s)
BLACKWELL ET AL.

Examiner
YVONNE M. HORTON

Art Unit
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 19, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 4, 6, 8, 10, and 12 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 13, 15, 18, and 19 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 9, 11, 16, 17, 20, and 21 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3635

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 6, line 17, “..”
Should be ---. Appropriate correction is required.

Response to Amendment

2. The amendment filed 8/19/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: There is no support in the specification for the first plane of material having a void therein and having a portion of the core exposed through the void.
Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,3,13,15,18 and 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER in view of US Patent # 5,098,790 to DIEMUNSCH et al. In reference to claims 1 and 13, GOLDHABER discloses the use of a window covering (10), column 4, line s 20-23, including a core material (22,222) and a stile

Art Unit: 3635

(24,220) having a first side (32) generally parallel to a second side (34); wherein the first (32) and second (34) sides, contact the respective sides of the core material (22,222). The stile (24,220) also has at least one hinge (207) attached thereto. GOLDHABER discloses the basic claimed device except for including a first and second plane of material positioned on either side of the core. DIEMUNSCH et al. teaches that it is known in the art to form a panel from a first plane of material (1) and a second plane of material (3) having a core (2) disposed therebetween; wherein the core material is a polycarbonate. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cover of GOLDHABER with the multilayered panel of DIEMUNSCH et al. in order to create a cover that is durable, light weight, and that is also UV absorbent. In reference to claim 3, the stile (24,220) is linear. In reference to claim 15, the first plane of material (1) and the second plane of material (3) of DIEMUNSCH et al. each contact the center core (2). Regarding claim 18, inherently either the first plane (1) or the second plane (3) of material of GOLDHABER, as modified by DIEMUNSCH et al., are capable of being the exterior of the window covering (10). DIEMUNSCH et al. is merely concerned with UV protection, hence both the first (1) and second (3) planes of material are virtually the same. Hence, the position of the panel of DIEMUNSCH et al. is not a critical aspect of the panel of DIEMUNSCH et al. Therefore, the positioning thereof would be a matter of obvious design choice.

Art Unit: 3635

Allowable Subject Matter

5. Claims 7,9,11,16,17 and 19 remain as being objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claim 5,20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 2,4,6,8,10 and 12 remain as being allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1-13 and 15-19 have been considered but are moot in view of the revised ground(s) of rejection.
9. Applicant's arguments filed 8/19/03 have been fully considered but they are not persuasive.

In response to applicant's argument that DIEMUNSCH et al. is not intended for use as a projectile resisting member, but rather to resist UV rays, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art.

Art Unit: 3635

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the window covering being resistant to projectiles) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.


Yvonne M. Horton

Primary Examiner

November 3, 2003